

traffic violations by Officers Arthur Lee and Britton Brown. Officers Brown and Lee signaled from their patrol car for Clark to pull over. However, Clark did not pull over and instead abruptly drove the car into a nearby driveway, exited the car, and fled on foot. Officer Brown exited his patrol car and pursued Clark on foot. Eventually Officer Brown caught up to Clark on the 900 block of East Johnson Street. At that point a physical struggle ensued. During the struggle Clark was able to get on top of Officer Brown. According to Officer Brown, while lying on his back he was repeatedly hit and choked by Clark. Officer Brown, feeling that he was being overpowered and fearing for his life, un-holstered his weapon with his right hand. At that point Clark grabbed Officer Brown's right hand. A struggle for control of the gun ensued. Officer Brown was able to free his hand and he fired three shots at Clark. All three shots hit Clark, fatally wounding him.

III. DEFENDANT'S WITNESS LIST

A. Liability Witnesses

1. Police Officer Britton Brown
2. Police Officer Arthur Lee
3. Police Officer Hector Maldonado
4. Police Officer Joseph Kelly
5. Police Officer Joseph Cahill
6. Police Officer Stephen Lupo
7. Police Officer James Edmiston
8. Sgt. David Merrick
9. Lt. John Prendergast (IAD Shooting Team)

10. Lt. Steve Nolan (IAD Shooting Team)
11. Police Officer Gaghan (Firearms Identification Unit)
12. Police Officer William Trenwith (Crime Scene Unit)
13. Ron Traenkle (defense police expert)
14. James Gannalo (defense firearms and ballistic expert)
15. Dr. Richard Callery (defense forensic expert)

B. Damage Witnesses

16. Gary Barach (defense economic expert)

Defendant reserves the right to call any plaintiff identified in plaintiff's pre-trial memorandum.

IV. DEFENDANT'S EXHIBIT LIST

- D1. Google Arial Photo of Area
- D2. Crime Scene Photos #1-22
- D3. Photos of Britton Brown's Uniform and Duty Rig #1-19
- D4. Photos of Britton Brown's Injuries #1-15
- D5. Police Radio Tapes
- D6. PPD Directive #10
- D7. IAD Statement of Britton Brown
- D8. IAD Shooting Scene Diagram by Britton Brown
- D9. IAD Statement of Sgt. David Merrick
- D10. Statement by p/o James Edmiston
- D11. Statement by p/o Steven Lupo
- D12. Statement by p/o Arthur Lee

- D13. Statement by p/o Hector Maldonado
- D14. Statement by p/o Joseph Kelly
- D15. Statement by p/o Joseph Cahill
- D16. Property Receipts
- D17. Firearms Identification Unit Report
- D18. Crime Scene Report
- D19. Crime Scene Log
- D20. Medical Examiners Report
- D21. CV and Report of Ron Traenkle
- D22. CV and Report of James Gannalo w/attached exhibits
- D23. CV and Report of Dr. Richard Callery
- D24. CV and Report of Gary Barach

Defendant reserves the right to use any exhibit identified in plaintiff's pre-trial memorandum.

V. ESTIMATED TIME FOR TRIAL

Defendant estimates that this trial will last approximately 5-6 days.

VI. OTHER ISSUES

Defendant anticipates that several motions *in limine* will be filed regarding the admissibility of testimony from several of plaintiff's witnesses as well as the admissibility of several of plaintiff's exhibits.

Also, given the number of police and expert witnesses in this matter, undersigned

counsel will respectfully request that a date certain be given for the trial in this matter. I have conferred with plaintiff's counsel regarding this request and he does not object.

Respectfully submitted,

/s/ Armando Brigandi
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